

ORDINANCE NO. 01-399

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 3.36 OF THE LOS ALTOS MUNICIPAL CODE
TO MAKE VARIOUS CHANGES RELATING TO THE
TRANSIENT OCCUPANCY TAX**

The City Council of the City of Los Altos does hereby ordain as follows:

Section 1.: Section 3.36.010.G of the Los Altos Municipal Code is hereby amended to read as follows:

"G. "Transient" shall mean any person who exercises occupancy or is entitled to occupy by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired."

Section 2.: Section 3.36.030 of the Los Altos Municipal Code is hereby amended to read as follows:

3.36.030. Operator's Duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of the tax shall be separately stated from the amount of rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax, or any part thereof, will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded, except in the manner provided in this chapter. Except as hereafter provided, no operator shall rent any space in a hotel in any commercial or Affordable Housing/Mixed Use zone to any person for a period exceeding thirty (30) days. Successive new rentals of up to thirty (30) days of the same space to the same person are authorized. Such renters shall be deemed to be transient."

Section 3.: Section 3.36.050 of the Los Altos Municipal Code is hereby amended to read as follows:

3.36.050. Reporting and remitting.

A. Each operator, on or before the last day of the month following the close of each calendar quarter, or at the close of any

shorter reporting period which may be established by the tax administrator, shall make a return to the tax administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to ensure collection of the tax, and he may require further information in the return. Returns and payments shall be due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator.

B. Any operator may enter into an agreement, at the sole discretion of the City Manager, to pay in full at a time or times during any calendar or fiscal year to be agreed, an amount agreed between the parties as the estimated tax due for the period in question. Upon receipt of said payment, operator shall have no further duty to collect or remit taxes for said period. An operator's duty to maintain full and accurate books of account as provided in this Chapter, shall continue."

Section 4.: This Ordinance shall become effective upon the commencement of the thirty-first (31st) day following the date of its passage and adoption.

Section 5.: This Ordinance shall be published as provided in Section 36933 of the California Government Code.

The above and foregoing Ordinance was duly and properly introduced at a regular meeting of the Los Altos City Council held on May 8, 2001, and was thereafter, at a regular meeting of the Los Altos City Council held on May 22, 2001, duly passed and adopted by the following roll call vote:

AYES: Mayor Lear, Councilmembers Becker, Casto, La Poll, and Moss

NOES: None

ABSENT: None



Mayor

Attest:



City Clerk